

ZB# 99-22

Janet Barton

80-1-22

Item.

June 14, 1999

Motion to Sched
P.H., Am of Contd.

Notice to Pape: 09/16/99.

Public Hearing:

June 28, 1999.

Area Variance

Approved.

Refund: \$212.00

#99-22-Barton, Albert

Area 80-1-22





Wilson Jones - Carbonless - Slide-A-R Duplex - 518784-CL, Typewriter

DATE June 16, 1999 RECEIPT
 RECEIVED FROM Janet + Albert Barton Jr.
 Address _____
Fifty 00/100 DOLLARS \$ 50.00
 FOR ZBA # 99-22

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	4034
AMOUNT PAID		CHECK	5000
BALANCE DUE		MONEY ORDER	

Town Clerk
Dorothy W. Hansen
sh

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Barton

FILE# 99-22

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE _____

APPLICATION FOR VARIANCE FEE \$ 50.00 paid # 4034

* * *

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 paid # 4035
6/16/99.

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/14/99-2 \$ 9.00
2ND PRELIMINARY- PER PAGE 6/28/99-2 \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 6/14/99 \$ 35.00
2ND PRELIM. 6/28/99 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 88.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 212.00

JANET A. BARTON
ALBERT K. BARTON, JR.
88 GUERNSEY DR. PH. 914-565-2732
NEW WINDSOR, NY 12553

4034

50-693/219

Pay to the Order of Town of New Windsor \$ 50.⁰⁰

Fifty & 00/100

KEY BANK OF NEW YORK
ROUTE 32
VAIRS GATE, NY 12584
VAIRS GATE OFFICE 302

Dollars  Security features included. Details on back.

For ZBA #99-22

Janet A. Barton

⑆021906934⑆ 323020000135⑈ 4034

JANET A. BARTON
ALBERT K. BARTON, JR.
88 GUERNSEY DR. PH. 914-565-2732
NEW WINDSOR, NY 12553

4035

50-693/219

Pay to the Order of Town of New Windsor \$ 300.⁰⁰

Three hundred & 00/100

KEY BANK OF NEW YORK
ROUTE 32
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Dollars  Security features included. Details on back.

For ZBA #99-22

Janet A. Barton

⑆021906934⑆ 323020000135⑈ 4035

In the Matter of the Application of

JANET BARTON

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#99-22.

WHEREAS, JANET BARTON, residing at 88 Guernsey Drive, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 17 ft. rear yard variance for an existing pool deck at the above location in a CL-1 zone; and

WHEREAS, a public hearing was held on the 28th day of June, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of herself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke either in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The Applicant seeks a variance in order to maintain an already existing pool deck at her residence.

(c) The deck causes no ponding or collection of water nor does it create any water hazards or interfere with the course of water drainage.

(d) The pool deck is not located on top of any sewer or water easements.

(e) The deck is a safety factor because it prevents the children, including the child living there, from "scaling" the pool and falling into it.

(f) The pool and deck are similar to other pools and decks in the neighborhood.

(g) There have been no complaints either formal or informal about the deck.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 17 ft. rear yard variance to allow an existing pool deck the above address in a CL-1 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 13, 1999.



Chairman

Date 7/27/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

(2)

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

DATE			CLAIMED	ALLOWED
6/28/99	Zoning Board Mtg	(Denise Prodnick)	75 00	
	Misc. 2			
	Oswest Realty - 2			
	McGuinness, Karen - 4			
	Villa - 4			
	Estate of Zeccola - 2			
	Jennings - 2			
	Barbera - 2			
	Bigi - 3			
	Barton - 2	\$9.00		
	83		103 50	
			178 32	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of

said Town Board held at the office of the

Town Clerk on the day

of, 19.....

the within claim was audited and allowed

for the sum of

\$

.....
Clerk

JANET A. BARTON

MR. NUGENT: Request for 17 foot rear yard variance for existing pool deck at 88 Guernsey Drive in a CL-1 zone. Let the record show there's no one here in the audience. You're on.

MS. BARTON: I was here two weeks ago. You have my pictures and everything.

MR. KANE: In the construction of the deck, you didn't create any water hazards any --

MR. KRIEGER: -- ponding or collection of water?

MS. BARTON: No, sir.

MR. KRIEGER: Interfere with any course of water drainage?

MS. BARTON: No, sir.

MR. KRIEGER: Is it over the top of any easements?

MS. BARTON: No, sir.

MR. KRIEGER: And you chose to locate the deck there because that's where the pool was?

MS. BARTON: Right. We felt like we didn't know about the set back when we placed the pool and the deck to start with, and then I was going to get a variance when we did it, but my grandmother got really sick and died and cancelled the variance then. And our builder said either do it now or we don't do until next year, so we did it. And we feel like it's a real safety factor. I know my four-year-old can scale any 48 inch pool.

MR. KRIEGER: So the deck keeps them from doing that?

MS. BARTON: Right. Usually an eight-year-old, they could scale a 48 inch pool. I know mine could. And there's lots of small children in Butternut.

MR. KRIEGER: There are other pools in the neighborhood that are similar to that. I know the picture shows one.

MS. BARTON: Absolutely.

MR. REIS: Nice job.

MS. BARTON: Thank you.

MR. REIS: Just for the record, no complaints, although nobody's here to voice an opinion?

MS. BARTON: No. My neighbors like the fact.

MR. TORLEY: It's a definite safeplus to have that railing there.

MS. BARTON: It really is. Children can't climb out like they could out of the side of like I say 48 inches.

MR. TORLEY: Mr. Chairman, accept a motion on this matter?

MR. NUGENT: Yes, I will.

MR. TORLEY: Mr. Chairman, I move that we grant Ms. Barton's request for a 17 foot rear yard variance for her existing pool deck at 88 Guernsey Drive.

MR. REIS: Second.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MS. BARTON: Thank you. Do you keep all that?

MR. NUGENT: Yeah. It goes in your file.

MR. TORLEY: So 50 years from now nobody will come after you.

Date: 8/3....., 1999

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Albert K. Barton, Jr. DR.
88 Muernsey Drive, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
8/13/99	Refund of Coon Deposit # 99-22	\$212.00
Approved: ZBA		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....
Nature

Amount Claimed \$

Amount Allowed \$

Filled

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

Date 6/30/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

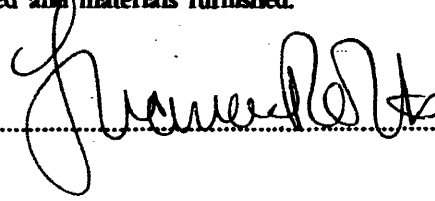
DATE			CLAIMED	ALLOWED
6/14/99	Zoning Board Mte		75 00	
	Misc. - 2			
	Barton - 2	\$ 9.00		
	Bila - 4			
	Handel - 3			
	Husted - 8			
	Paulik - 3			
	Libuzzi - 3			
	JMK - 3			
			112 00	
			187 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

June 14, 1999

2

PRELIMINARY MEETING

BARTON, ALBERT

MR. NUGENT: Request for 17 ft. rear yard variance for existing pool deck at 88 Guernsey Drive in a CL-1 zone.

Mrs. Barton appeared before the board for this proposal.

MRS. BARTON: Actually, most of this has a C.O., the upper deck, over half the lower deck and the pool and we continued the deck around the back edge of the pool.

MR. KANE: Pool has a C.O.?

MRS. BARTON: Yes, electrical upper deck has a C.O. We felt strongly that it made the pool safer, mostly more of a safety issue.

MR. NUGENT: That point in the back?

MRS. BARTON: Yeah, well, it's actually this is parallel to the back of the property line, so it's like the three foot it's about three foot five inch catwalk basically around the back of the pool. We have a lot of small children in our subdivision and neighbors actually like it, it's this area.

MR. KANE: Mike didn't see anything in the property coverage, it's fine on that?

MS. BARNHART: He didn't say anything about it.

MR. KANE: You didn't create any water hazards with the creation of this?

MRS. BARTON: No.

MR. NUGENT: She has 23, she's looking for 17.

MR. TORLEY: Everything in the CL1 zone is like that. Mr. Chairman, accept a motion on this matter?

MR. NUGENT: Yes, I will.

June 14, 1999

3

MR. TORLEY: I move we set up the Bartons for their public hearing on their requested variance.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MRS. BARTON: Thank you very much.

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Janet Barton
Applicant.

#99-202.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on 6/16/99, I compared the 75 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
16th day of June, 1999.

Dubois Queen
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

June 16, 1999

75

Albert Jr. & Janet Barton
88 Guernsey Drive
New Windsor, NY 12553

RE: 80-1-22

Dear Mr. & Mrs. Barton:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$95.00, less your deposit of \$25.00. Please remit the balance of \$70.00 to the Town Clerk at the above referenced location.

Sincerely,

L. Cook /ev

Leslie Cook
Sole Assessor

/ev

cc: Pat Barnhart, ZBA

Kenneth Louis & Jeunne
Madeline Monroig
215 Butterhill Drive
New Windsor, NY 12553

Maureen Mullin & Alan Scheck
213 Butterhill Drive
New Windsor, NY 12553

John T. Weber
211 Butterhill Drive
New Windsor, NY 12553

Andrew F & Carol J Elstob
209 Butterhill Drive
New Windsor, NY 12553

Michael J & Leonia Busija
207 Butterhill Drive
New Windsor, NY 12553

Samir & Dimple S. Patel
205 Butterhill Drive
New Windsor, NY 12553

Michael & Karen Pospisil
203 Butterhill Drive
New Windsor, NY 12553

James R. & Maureen P. Noble
340 Butternut Drive
New Windsor, NY 12553

Anthony Wandell
338 Butternut Drive
New Windsor, NY 12553

Michael W & Lorene E. Malec
336 Butternut Drive
New Windsor, NY 12553

Tannenbaum Farrel & Heidi
334 Butternut Drive
New Windsor, NY 12553

Owens Mark F & Nicole M
332 Butternut Drive
New Windsor, NY 12553

Bell Michael A & Nancy R
330 Butternut Drive
New Windsor, NY 12553

Sanchez Anthony & Venus
328 Butternut Drive
New Windsor, NY 12553

Defazio Maria & Steinheimer Gail E
326 Butternut Drive
New Windsor, NY 12553

Lonkewycz Boris & Christina
33 Guernsey Drive
New Windsor, NY 12553

Vacca William F & Kathleen M
PO Box 4013
New Windsor, NY 12553

Carpenter Brian R & Janet M
96 Guernsey Drive
New Windsor, NY 12553

Keating James F & Nancy E
94 Guernsey Drive
New Windsor, NY 12553

Hernandez Louis E & Iris D Cordero-
Hernandez
92 Guernsey Drive
New Windsor, NY 12553

Dicocco Luigi A & Linda
90 Guernsey Drive
New Windsor, NY 12553

Barth John C & Pamela K
86 Guernsey Drive
New Windsor, NY 12553

Jurik Robert F & Rose M
84 Guernsey Drive
New Windsor, NY 12553

Motard Roland & Leslie
82 Guernsey Drive
New Windsor, NY 12553

Duarte Anthony C & Mary
80 Guernsey Drive
New Windsor, NY 12553

Resch Kim J & Pamela Freeman-Resch
78 Guernsey Drive
New Windsor, NY 12553

Reed Barbara G
76 Guernsey Drive
New Windsor, NY 12553

Cummings Kevin R & Rose M
3 Jersey Court
New Windsor, NY 12553

Sorrentino John & Roger Yolanda
5 Jersey Court
New Windsor, NY 12553

Lamantia Douglas J & Tara A
Lamantia
6 Jersey Court
New Windsor, NY 12553

Valois Charles S
4 Jersey Court
New Windsor, NY 12553

Horn Thomas F & Barbara S
2 Jersey Court
New Windsor, NY 12553

Pulliam Charles & Joann
72 Guernsey Drive
New Windsor, NY 12553

Coleman Robert W & Joanne M
70 Guernsey Drive
New Windsor, NY 12553

Discala Elizabeth
68 Guernsey Drive
New Windsor, NY 12553

Bush Robert J & Nora J
66 Guernsey Drive
New Windsor, NY 12553

Perez Victor M & Maria A
64 Guernsey Drive
New Windsor, NY 12553

Meyers Robert C & Rosemarie X
217 Butterhill Drive
New Windsor, NY 12553

Chiavaro Peter A & Ellen J
219 Butterhill Drive
New Windsor, NY 12553

Donaldson Robert W & Angela
221 Butterhill Drive
New Windsor, NY 12553

Hernandez Philip & Irene
84 Creamery Drive
New Windsor, NY 12553

Bohr Gerald M jr & Rose Marie
86 Creamery Drive
New Windsor, NY 12553

Hall Gary A & Theresa A
88 Creamery Drive
New Windsor, NY 12553

Washington Andres & Deirdre D
90 Creamery Drive
New Windsor, NY 12553

Puleo Frank & Gayann
92 Creamery Drive
New Windsor, NY 12553

Olivo Joseph T & Cynthia L Weiss
94 Creamery Drive
New Windsor, NY 12553

Feinstein Joel & Gloria
335 Butternut Drive
New Windsor, NY 12553

Moore Charles A & Raelynn Engan
Moore
333 Butternut Drive
New Windsor, NY 12553

Keber Richard H & Carol
331 Butternut Drive
New Windsor, NY 12553

Wood Craig & Patricia
329 Butternut Drive
New Windsor, NY 12553

Scott John A & Margaret J
327 Butternut Drive
New Windsor, NY 12553

Addo Joseph M & Audrey L
325 Butternut Drive
New Windsor, NY 12553

Stukonis Peter C & Elstob Margaret M
204 Butterhill Drive
New Windsor, NY 12553

Gutshall Roy B & Cynthia J Gutshall
705 Mara Drive
Blue Bell, PA 19422

Benjamin Ava & Herbert
208 Butterhill Drive
New Windsor, NY 12553

Dilorenzo Anthony J & Linda M Pulz
210 Butterhill Drive
New Windsor, NY 12553

Fox John P
212 Butterhill Drive
New Windsor, NY 12553

Guido John F & Leslie C Hynes
2 Park Place
Apt. #1B
Newburgh, NY 12550

Bigi Donald & Donna J
216 Butterhill Drive
New Windsor, NY 12553

Quinn Francis E & Nancy T Shannon
342 Butternut Drive
New Windsor, NY 12553

Oates Michael & Josephine
117 Creamery Drive
New Windsor, NY 12553

Hoey Leonard
1 Shaker Court
New Windsor, NY 12553

Amigo Rochelle D
53 Guernsey Drive
New Windsor, NY 12553

Vinci Dominick, Iola, & Jennie D
499 Franklin Street
Rye Brook, NY 10573

Milko Dusan & Valeria Milkova
49 Guernsey Drive
New Windsor, NY 12553

Carpenter John
272 Quassaick Avenue
New Windsor, NY 12553

Morris Nicholas E & Riggins Melissa L
47 Guernsey Drive
New Windsor, NY 12553

White Kevin D & Kim L
41 Guernsey Drive
New Windsor, NY 12553

Schaum Kevan & Jayne
39 Guernsey Drive
New Windsor, NY 12553

Smith James R & Diane Cassell-Smith
37 Guernsey Drive
New Windsor, NY 12553

Albarino Anthony J & Lisa M
100 Creamery Drive
New Windsor, NY 12553

Schorio James A
102 Creamery Drive
New Windsor, NY 12553

Cady Barbara Ann
104 Creamery Drive
New Windsor, NY 12553

Olan Freddy & Nancy
106 Creamery Drive
New Windsor, NY 12553

Hamilton Richard & Benita
108 Creamery Drive
New Windsor, NY 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 18, 1999

**APPLICANT: Albert Barton
88 Guernsey Drive
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/12/99

FOR : existing pool deck

LOCATED AT: 88 Guernsey Drive

ZONE: C-L

DESCRIPTION OF EXISTING SITE: 80-1-22

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing deck does not meet minimum rear yard set-back.**


BUILDING INSPECTOR

PERMITTED 40'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: CL USE: G-1

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

23'

17'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE , W/ ATTACHED MAP

RECEIVED

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

MAY 12 1999

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be corrected for correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

MAY 12 1999

RECEIVED

FOR OFFICE USE ONLY:
Building Permit #: _____

AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS REQUIRED BEFORE PERMIT WILL BE ISSUED

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Albert K + Janet A Barton, Jr

Address

88 Guernsey Drive, New Windsor, NY Phone 565-2732

Mailing Address

Name of Architect

Janet Barton

Address

88 Guernsey Drive, NW

Phone

565-2732

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder owner

If applicant is a corporation, signature of duly authorized officer. _____
(Name and title of corporate officer)

1. On what street is property located? On the S side of Guernsey Pr
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated Butterhill Is property a flood zone? Y N X

3. Tax Map Description: Section 80 Block 1 Lot ~~33~~ 22

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
a. Existing use and occupancy deck around pool b. Intended use and occupancy existing deck around pool

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☒

6. Is this a corner lot? No POOL Deck existing

7. Dimensions of entire new construction. See drawing Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

Variance needed

Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lisi & Louis Krychear
 New Windsor Town Hall
 555 Union Avenue
 New Windsor, New York 12553
 (914) 563-4618
 (914) 563-4693 FAX

Bldg Insp Examined _____
 Fire Insp Examined _____
 Approved _____
 Disapproved _____
 Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Address of Applicant)

Janet Burton
Janet Burton

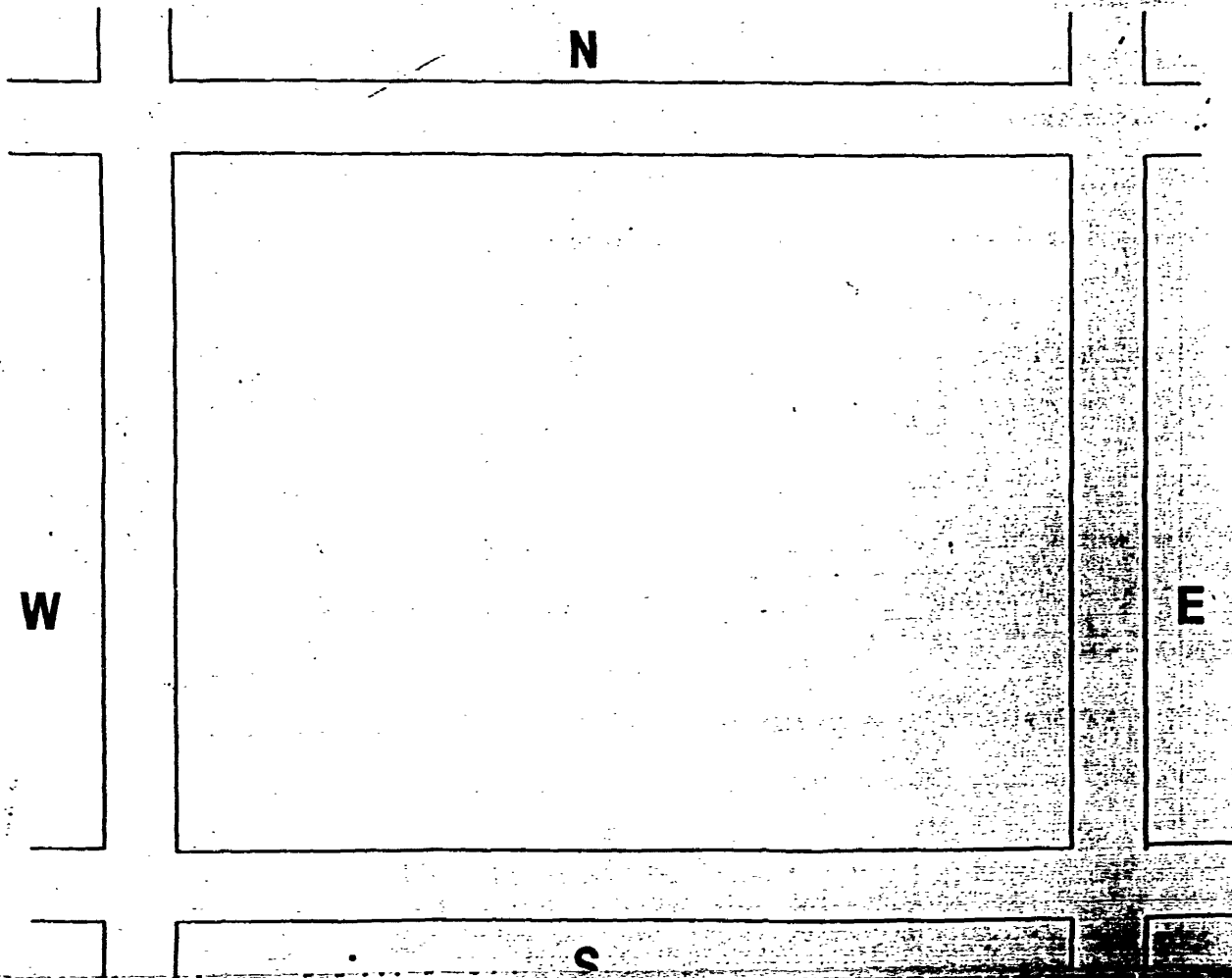
88 Guernsey Drive
 88 Guernsey Drive NW

(Owner's Signature)

(Owner's Address)

PLOT PLAN

NOTE: Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



Of the information will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

RECEIVED

MAY 12 1999

NY STATE

HWY. NO. 94

SECTION 46

SECTION 37

SECTION 46

GUERNSEY

DRIVE

JERSEY CT.

GUERNSEY DRIVE

BUTTERHILL DRIVE

CREAMERY

DRIVE

SECTION 78

NORTH

COURT

BUTTERNUT

DRIVE

SECTION 37

ORANGE COUNTY~NEW YORK

Photo No. 14-3233

Date of Map: 9 - 10 - 84

Date of Photo: 3-1-63

Date of Revision: 3-1-94

Scale: _____ 1" = 100'

TOWN OF NEW WINDSOR

Section No. 80

561

Pls: publish immediately. Send bill to Applicants @ below address.

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 22

Request of Albert K. & Janet A. Barton

for a VARIANCE of the Zoning Local Law to Permit:

existing pool deck w/ insufficient rear yard;

being a VARIANCE of Section 48-13-Table of Use/Bulk Reg.-Col. G.

for property situated as follows:

88 Guernsey Drive, New Windsor, N.Y. 12553,

known and designated as tax map Section 80, Blk. 1, Lot 22.

SAID HEARING will take place on the 28th day of June, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-32

Date: 06/16/99

I. ✓ Applicant Information:

- (a) Albert K & Janet A. Barton, Jr 88 Guernsey Dr, New Windsor 505-2732
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

✓ III. Property Information:

- (a) CL-1 88 Guernsey Drive 80/1/22 93.18 x 142.35 ±
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? 1992
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: N/A
- _____
- _____
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) _____
- _____
- _____
- _____
- _____

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40 ft.</u>	<u>33 ft.</u>	<u>17 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

There will be no adverse effect or impact on the physical or environmental conditions in the neighborhood or district;

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign ..	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

IX. Attachments required:

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- ✓ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/16/99

STATE OF NEW YORK)
COUNTY OF ORANGE) SS.:

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

x Janet Barton
(Applicant)

Sworn to before me this

16th day of June, 1999..

XI. ZBA Action:

(a) Public Hearing date: _____ Commission Expires August 31, 1972

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1977

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 25th day of October, nineteen hundred and ninety one
BETWEEN

JEFFREY B. SYMM AND ANN M. SYMM, husband and wife, both residing
at 88 Gurnsey Drive, New Windsor, New York 12553

party of the first part, and

ALBERT K. BARTON, JR. AND JANET A. BARTON, husband and wife, both
residing at P.O. Box 703, Rustic Ridge Road, Cornwall, New York 12518

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being in the Town of New Windsor, Orange County, New York, known as Lot No. 294 as shown on a map entitled "Butter Hill Section 9" said map having been filed in the Orange County Clerk's Office on 12 March 1987 as Map No. 8150, and being more particularly described as follows:

BEGINNING at a point in the southerly line of Guernsey Drive where said line is intersected by the division line between Lot No. 293 and Lot No. 294 running thence the following courses:

1. Along said division line, South $25^{\circ} 41' 19''$ East 142.35 feet to a point:
2. Along the division line between Lot No. 294 and Lot No. 277, South $67^{\circ} 14' 42''$ West 93.18 feet to a point:
3. Along the division line between Lot No. 294 and Lot No. 295, North $22^{\circ} 45' 18''$ West 142.00 feet to a point in the southerly line of Guernsey Drive:

4. Along said line, North 67° 14' 42" East 79.50 feet to a point:
5. Still along said line on a curve to the left having a radius of 125.00 feet a distance of 6.40 feet to the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

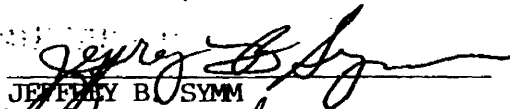

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

PLEASE NOTARIZE
ON REVERSE SIDE


JEFFREY B. SYMM

ANN M. SYMM

STATE OF NEW YORK, COUNTY OF Rockland ss:

On the 25 day of October 1991, before
me personally came

JEFFREY B. SYMM AND

ANN M. SYMM

to me known to be the individual S described in and who executed the foregoing instrument, and acknowledged that they executed the same.

NORA KNAPP
Notary Public, State of New York
County of Orange
Commission Expires 4/30/93
Notary Reg. No. 4832491

County of _____
Commission Expires _____
Notary Public
Rosal Knapp
NOTARY PUBLIC

Notary Public, State of New York
County of Orange
Commission Expires 4/30/93
Notary Reg. No. 4832491

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

On the _____ day of _____, 19____, before
me personally came _____,

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the
of

_____, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 1965, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the _____ day of _____, 19____, before
me personally came _____

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 33168-769

JEFFREY B. SYMM AND ANN M. SYMM

TO

ALBERT K. BARTON, JR. AND JANET A. BARTON

SECTION 80

BLOCK 1

LOT 22

COUNTY OR TOWN

New Windsor

RETURN BY MAIL TO:

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

SECURITY TITLE AND GUARANTY COMPANY

CHARTERED 1928



IN NEW YORK

Francis Battersby, Esq.

Battersby and Tiernan, Esqs.

4 Ramapo Valley Road.

P.O. Box 380

Oakland, New Jersey 07436

Zip No.

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3553 PAGE 333

MARKET VALUE POLICY RIDER

Issued By

TRW Title Insurance of New York Inc.

Policy No. 0111-122583

Title No. 33168-769

Date of Issue DECEMBER 27, 1991

Names of Insured Homeowner(s) ALBERT K. BARTON, JR. AND JANET A. BARTON, HIS WIFE

Owner's Statement of Coverage:

In consideration of the payment of the additional premium for the issuance of this Rider to the Policy as hereinafter defined, the Company insures the named homeowner against loss or damage not exceeding the market value of the premises at the time of loss, in accordance with the conditions of the Policy not inconsistent with the provisions of this Rider, and subject to the matters excepted from coverage in Schedule 3.

DEFINITIONS:

- (a) The Policy is the policy issued to the named insured herein in the amount of the original purchase price paid for the insured premises.
- (b) Time of loss shall be such date as the homeowner shall have actual knowledge of facts giving rise to a claim under the Policy.
- (c) A homeowner is a natural person, fee owner and resident of real property used predominantly for residential purposes and containing no more than 4 dwelling units, a residential condominium unit, or a residential co-operative leasehold interest. The benefits of this Rider shall be available only to the named insured provided the named insured is a homeowner as defined herein at the date of the issuance of this Rider and at the date any claim under this Rider is made.
- (d) Market value at time of loss shall be such value of the insured premises as is determined by three arbitrators or any two of them, one of whom should be chosen by the insured and one by the Company, and the two so chosen selecting the third arbitrator. Such value shall exclude the market value of any improvements made to the premises subsequent to the date of the Policy. The above valuation procedure shall also apply in the event the insured premises is a residential cooperative leasehold interest.

CONDITIONS:

- (a) Paragraph 8 of the Conditions and Stipulations of the Policy is hereby deleted. That portion of subdivision (b) of paragraph 7 of the Conditions and Stipulations of the Policy as relates to improvements made subsequent to the Date of Policy is hereby deleted and the following paragraph is substituted in lieu thereof:

In the event that a partial loss occurs after the insured makes an improvement to the insured premises subsequent to the date of this Rider the valuation of such partial loss shall be determined in relationship to the market value of the premises at the time of such partial loss, minus the market value of such improvements made to the insured premises subsequent to the date of this Rider.

- (b) Notwithstanding anything herein to the contrary, in the event of a loss, partial or total, the insured shall have the option to elect to value such loss under the terms of this Rider or under the terms and amount of the Policy.
- (c) All other provisions of the Policy, not inconsistent with the provisions of this Rider, shall remain in full force and effect.
- (d) This Rider and the Policy is the entire contract between the named insured and the Company.

Signed this 27th day of DECEMBER, 19 91

TRW Title Insurance
of New York Inc.

Countersigned:

By


Authorized Officer or Agent

Attest:


President


Secretary

2315

TRSA MARKET VALUE POLICY RIDER (9/1/93) TO BE USED WITH ALTA OWNER'S BASIC POLICY.
(NEW YORK STATE ONLY)

STANDARD NEW YORK ENDORSEMENT
(OWNER'S POLICY)

Issued By

TRW Title Insurance
of New York Inc.

Attached to and made part of Policy Number 0111-122583 (33168-769)

1. The following is added to the insuring provisions on the face page of this policy:

"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."

2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:

"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or incumbrances, except real estate taxes, assessments, water charges and sewer rents."

Nothing herein contained shall be construed as extending or changing the effective date of the policy unless otherwise expressly stated.

This endorsement, when countersigned below by a validating signatory, is made a part of the policy and is subject to the Exclusions from Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions hereof.

Signed this 27th day of DECEMBER, 19 91 .

TRW Title Insurance
of New York Inc.

Richard A. Sampaio

Attest:

President

Christy Sampaio

Secretary

Countersigned:

By

[Signature]
Authorized Officer or Agent

OWNER TITLE INSURANCE POLICY

SCHEDULE "A"

Policy Number: 0111-122583

File Number: 33168-769

Date of Policy: December 27, 1991

**Amount of Insurance:
\$195,500.00**

1. **Name of Insured: Albert K. Barton, Jr. and Janet A. Barton, his wife**
2. **The estate or interest in the land described herein and which is covered by this policy is:**

Fee Simple

3. **The estate or interest referred to herein is at date of policy vested in:**

Albert K. Barton, Jr. and Janet A. Barton, his wife, by deed dated 10/25/91 and recorded 2/3/92 in Liber 3553 Page 331 in the Orange County Clerk's Office.

4. **The land referred to in this policy is described as follows:**

**88 Guernsey Drive, New Windsor, New York
Block 1 Lot 22**

SEE SCHEDULE "A" ATTACHED

Schedule A (Description)

All that certain place or parcel of land lying, situate and being in the Town of New Windsor, Orange County, New York, known as Lot No. 294 as shown on a map entitled "Butter Hill Section 9" said map having been filed in the Orange County Clerk's Office on 12 March 1987 as Map No. 8150, and being more particularly described as follows:

BEGINNING at a point in the southerly line of Guernsey Drive where said line is intersected by the division line between Lot No. 293 and Lot No. 294 running thence the following courses:

1. Along said division line, South 25 degrees 41 minutes 19 seconds East 142.35 feet to a point:

2. Along the division line between Lot No. 294 and Lot No. 277, South 67 degrees 14 minutes 42 seconds West 93.18 feet to a point:

3. Along the division line between Lot No. 294 and Lot No. 295, North 22 degrees 45 minutes 18 seconds West 142.00 feet to a point in the southerly line of Guernsey Drive:

4. Along said line, North 67 degrees 14 minutes 42 seconds East 79.50 feet to a point:

5. Still along said line on a curve to the left having a radius of 125.00 feet a distance of 6.40 feet to the point or place of BEGINNING.

OWNER TITLE INSURANCE POLICY

SCHEDULE B

Policy No. 0111-122583

File No. 33168-769

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
3. Easements or claims of easements not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public record. Proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or the public record.
6. Any loss or damage resulting from a claim made against the insured title based upon operation of federal bankruptcy, state insolvency, or similar creditors' rights laws.
7. Rights of tenants or persons in possession, if any.
8. Policy will except any water meter readings, sewer rent charges, frontage charges and assessments not of record as of date of closing.
9. Covenants, conditions, easements, leases, agreements of record etc., more fully set forth herein:
 - a. Covenant and restrictions in liber 673 page 465.
 - b. Grants in liber 722 page 283, liber 1483 page 95, and liber 2081 page 272.
 - c. Sewer Easement in liber 1729 page 592.
 - d. Easement in liber 1784 page 717.

10. Mortgage made by Albert K. Barton, Jr. and Janet A. Barton, his wife, his wife, to Mutual Mortgage Bankers, Inc., Its Successors and/or Assigns, in the amount of \$155,000.00 dated 1/10/92 recorded 2/3/92 in Reel 4181 Page 164 in the Richmond County Clerk's Office.

Mortgage was further assigned to NewAmerica Savings Bank, FSB, its successors and/or assigns, dated 1/10/92 and recorded 2/3/92 in reel 4181 page 176 in the Orange County Clerk's Office.

11. SURVEY READING:

A survey dated 12/12/91 by Aristotle Bournazos, P.C. shows a 2 story frame and brick dwelling with a wood deck and open porch attached and garage enclosed; the survey also shows the following encroachments and variations which are excepted from title.

- a. Variations in railroad tie and retaining wall along southerly and westerly record lines.
- b. Variations in rail and wire fence along westerly record line.
- c. Driveway and dwelling encroaches into 20 foot driveway easement along westerly record line.